IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 606 OF 2007
WITH
CIVIL APPLICATION NO. 861 OF 2007
IN
A.O. NO 606/ 2007

Shankar Maruti Bandare .. Appellant.

V/s.

1. Sarjerao Nivrutii Bhandare & Ors. .. Respondents.

Mr.Purushottam G. Chavan for the Appellant.

CORAM : S. A. BOBDE, J.

DATED : 01st AUGUST, 2007.

P.C. :-

. This appeal is preferred by the original plaintiff against the order dated 7.3.2007 passed by the 4th Jt. Civil Judge, Sr.Dvn.,Pune, rejecting the appellant’s application for injunction.

2. The petitioner has filed the suit for declaration that the sale deed dated 18.2.2006 executed by the respondent No.1 in favour of the respondent Nos. 2 and 3 is void. According to the appellant he has been reallocated the land in question by the government and had been put in possession. This contention of the

petitioner has been negatived by the trial court, who has rejected the injunction application.

3. Perused the order of the trial court and having heard the learned counsel for the appellant, it is clear that the impugned order does not call for any interference specially in view of the finding that the petitioner is not in possession. It is the petitioner's own case that the land in question was acquired by the government and upon his request it was reallocated to him. There is no evidence on record to show that the petitioner was handed over possession of the land by the government. It is difficult to accept the contention of the appellant that he had never lost possession of the land inspite of the acquisition. Thus in the circumstances there is no reason to interfere with the impugned order which does not suffer from any error of law apparent on its face nor it suffers from any perversity. The rejection of this Appeal shall not however, affect the merit of the appellant's claim at the hearing of the final disposal of the suit.

4. In the result, the Appeal is rejected. In view of the rejection of the appeal, nothing survives in the civil application and the same is also dismissed.

(S.A.BOBDE,J.)

.....